

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

SCOTT KNIGHT,

Plaintiff,

v.

Civil Action 2:19-cv-4166  
Judge Edmund A. Sargus, Jr.  
Magistrate Judge Chelsey M. Vascura

ANTHONY KITCHEN, *et al.*,

Defendants.

**REPORT AND RECOMMENDATION**

Plaintiff's Complaint asserts claims against, *inter alia*, Anthony Kitchen, John Doe, and Jane Doe. (ECF No. 2.) To date, the docket does not reflect that Plaintiff has effected service of process as required by Federal Rule of Civil Procedure 4(m) over Anthony Kitchen, John Doe, or Jane Doe, or that he has moved to amend the Complaint to substitute the real names of John Doe or Jane Doe. Accordingly, Plaintiff was ordered to show cause on April 17, 2020 why the Court should not dismiss this action as against Anthony Kitchen, John Doe, and Jane Doe without prejudice for failure to effect service and why the Court should allow an extension of time to effect service. (ECF No. 36.)

To date, Plaintiff has not responded to the Show Cause Order, sought leave to amend the Complaint, or effected service on the defendants in question. It is therefore **RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE** against Anthony Kitchen, John Doe, and Jane Doe pursuant to Rule 4(m) for failure to timely effect service of process.

### **PROCEDURE ON OBJECTIONS**

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A Judge of this Court shall make a *de novo* determination of those portions of the Report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

/s/ Chelsey M. Vascura  
CHELSEY M. VASCURA  
UNITED STATES MAGISTRATE JUDGE